

**ORDINANCE NO. 20141106-124**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 25-1 RELATING TO SMART HOUSING.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** City Code Section 25-1-701 (*Definitions*) is amended to add the following new definition and to renumber the remaining definitions accordingly:

- (2) **HIGH OPPORTUNITY AREA** means an area that provides certain conditions that places individuals in a position to be more likely to succeed or excel. This area must include one or more of the following conditions:
- (a) racial and economic integration;
  - (b) access to employment;
  - (c) high performing schools;
  - (d) access to fresh and healthy foods;
  - (e) low levels of poverty;
  - (f) low crime rate;
  - (g) access to parks;
  - (h) minimal environmental hazards; or
  - (i) is identified in the Imagine Austin Plan as a center.

**PART 2.** City Code Section 25-1-702 (*Administration*) is amended to read:

**§ 25-1-702 ADMINISTRATION.**

- (A) The director of the City's Neighborhood Housing and Community Development Department shall administer the S.M.A.R.T. Housing program and may adopt and implement program guidelines and establish the requirements for an application under the program.
- (B) The director of the Neighborhood Housing and Community Development Department shall notify the directors of the Public Works Department and Austin Transportation Department of proposed S.M.A.R.T. Housing projects within a half mile of an existing or planned transit route or stop.

**PART 3.** City Code Section 25-1-703 (*Program Requirements*) is amended to amend Subsection (B) and to add a new Subsection (E):

(B) S.M.A.R.T. Housing must:

- (1) be safe by providing housing that complies with Title 25 of the City Code (*Land Development*);
- (2) provide mixed-income housing by including dwelling units that are reasonably-priced, as described in Subsections (C) and (D);
- (3) provide for accessibility by:
  - (a) including dwelling units that comply with the accessibility requirements of the Building Code in:
    - (1) each building with four or more dwelling units; and
    - (2) at least 10 percent of the dwelling units in each development; or
  - (b) for a development with three or fewer dwelling units, complying with the design and construction requirements of Chapter 5-1, Article 3, Division 2 (Design and Construction Requirements); and
- (4) except as provided in Subsection (E), be located within one-half mile walking distance of a local public transit route at time of application ~~[comply with the transit-oriented guidelines adopted by the director];~~ and
- (5) achieve at least a one star rating under the Austin Green Building program.

(E) The director may waive the transit-oriented requirement in (B)(4) if the project meets one of the following criteria:

- (1) the project will be located in a high opportunity area as identified by the director and established in the program guidelines;
- (2) the application includes a letter from Capital Metropolitan Transportation Authority that confirms a future route is documented in agency plans;
- (3) developer applies for State or Federal Government funds, including the Low Income Housing Tax Credit Program, related to this project;  
or

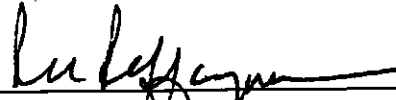
- (4) project affirmatively furthers fair housing as determined by the Director and in consideration of the City's Analysis of Impediments.

**PART 4.** This ordinance takes effect on November 17, 2014.

**PASSED AND APPROVED**

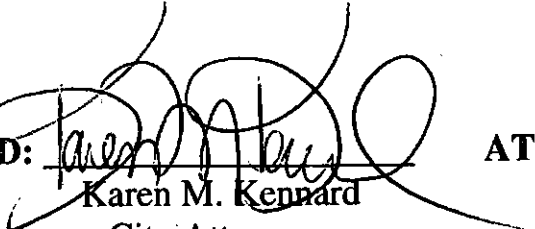
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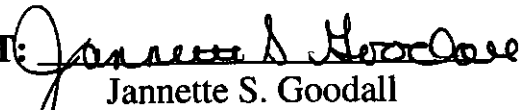


Lee Leffingwell  
Mayor

**APPROVED:**

  
Karen M. Kennard  
City Attorney

**ATTEST:**

  
Jannette S. Goodall  
City Clerk